

FISCAL NOTE

SB 2193 - HB 2356

February 21, 2004

SUMMARY OF BILL:

1. Amends various section of Tennessee Code Annotated, Title 8, relative to notaries public. The bill deletes the distinction between notaries public and notaries at large, to clarify that notaries are authorized to provide services in any county within the state, not just the county in which the notary was elected.
2. Deletes a provision in current law that requires a notary from one county to pay a \$2.00 fee to the county clerk to qualify to act as a notary in another county. This bill would instead require a notary who moves from one county to another to notify the clerk of the electing county and pay a \$7.00 fee, of which \$5.00 would be kept by the county clerk and \$2.00 sent to the Secretary of State. Notaries who move out of state would no longer be qualified to act as notaries in Tennessee and must surrender their commissions. Notaries who continue to act as notaries public after they move out of state, notaries who fail to include their commission expiration dates, and notaries who fail to surrender a seal upon resignation or expiration of the term of office, would be guilty of a Class C misdemeanor.
3. Requires persons applying for election as notaries public to certify under penalty of perjury that they have:
 - never been removed from the office of notary public for official misconduct;
 - never had a notarial commission revoked or suspended by Tennessee or any other state; and
 - never been found to have engaged in the unauthorized practice of law.

Under current law, the Secretary of State issues the Governor's notary commissions upon receipt of certified election returns from county clerks, and the Secretary of State receives from the county clerks a fee of \$5 per commission (\$2 as provided in TCA 8-16-201 and \$3 as provided in TCA 8-21-201(2)). This bill consolidates this fee into one section but does not change the total amount of the Secretary of State's processing fee for the issuance of the notary commissions.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Not Significant
Increase State Revenues - Less than \$800 a year
Increase Local Govt. Expenditures - Not Significant
Increase Local Govt. Revenues - Not Significant

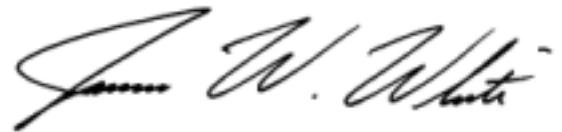
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Estimate based on the following:

- Most Tennessee notaries are notaries at large and have statewide jurisdiction already; therefore, eliminating the \$2.00 fee required by a notary from one county to qualify to act as a notary in another county. This is estimated to be not significant since county clerks do not presently collect many of these \$2.00 fees.
- County clerks would now receive a \$5.00 fee only from those notaries who move from one county to another, which is estimated to have a not significant impact.
- Any cost associated with the receipt of changes of address in the Secretary of State's Office is estimated to be not significant.
- Although not mandatory under current law, the Secretary of State already receives such changes of address from county clerks. Currently the Secretary of State processes less than 36 notary changes of address on an annual basis and receives no fee for processing such changes.
- Assuming a mandatory reporting process would result in a tenfold increase, the number of changes would approximate 360 a year at \$2.00 each for a total increase in state revenues of \$720.
- Impact depends upon the number of persons convicted of this offense and the resulting increased cost to local governments to confine such persons versus the increased revenues to local governments from fines levied and collected under the provisions of this bill.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director